



## Planning Commission Staff Report

**Application Date:** 03/26/2024

**Staff Contact:** Doug Diedrichsen, Principal Planner

**Date of Staff Report:** 04/12/2024

**Staff Recommendation:** Approval

**Date of Planning Commission Meeting:** 05/07/2024

**Case Number:** 2024-03-03

**Owners:** Anita Lantto & Richard Pederson

**Project Name:** Pederson – CUP

**Representative:** Richard Pederson

**Current Legal Description:** Outlot 18 lying in the southeast 1/4 of the northwest 1/4 Section 24, Township 155 north, Range 83 west

**Entitlements Requested:** Accessory structure to be placed on a residential lot with no primary dwelling

**Proposed Legal Description:** No Change

**Present Address:** 425 Main St S

**Present Zone(s):** "R1" Single-Family Residence District

**Proposed Zone(s):** No Change

**Present Use(s):** Vacant

**Proposed Use(s):** Accessory Structure (Private Storage)

**Uses Allowed in Present Zone(s):** See Table 2.2 for allowed and conditionally permitted uses within each district.

**Uses Allowed in Proposed Zone(s):** See Table 2.2 for allowed and conditionally permitted uses within each district.

**Present Future Land Use Map Designation:** Undesignated

**Proposed Future Land Use Map Designation:** No Change

### **PROJECT DESCRIPTION:**

Public hearing request by Richard Pederson & Anita Lantto, owners for a request of a conditional use permit for a "R1" Single-Family Residential District lot. The legal description for the property is Outlot 18 lying in the southeast 1/4 of the northwest 1/4 Section 24, Township 155 north, Range 83 west, County of Ward, North Dakota.

The address for the property is 118 5th Street SE.

An aerial photo of the subject property can be found in **Exhibit 1**.

## **BACKGROUND INFORMATION:**

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The subject property is located in central Minot in a residential neighborhood west of Roosevelt Park. The property is owned by the applicants, and is utilized as vacant land for storage of private property. An accessory building was moved onto the property without a moving permit and without securing a conditional use permit providing land use entitlements. Applicant is seeking to establish entitlement so that the moving permit can be processed by the Inspections Division. A copy of a site plan may be found in **Exhibit 2**.

A map of the area zoning and future land use can be found in **Exhibit 3**.

Site photos can be found in **Exhibit 4**.

## **STAFF ANALYSIS:**

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### Conditional Use Permit Analysis:

Section 9.1-4 of the Minot Land Development Ordinance (Zoning Ordinance) recognizes that certain land uses, when under special conditions and review can be compatible with uses that are permitted by right in a zoning district. The review of the conditional use permit (CUP) application and any special conditions imposed by either the Zoning Ordinance or City Staff should occur via a thorough public process as prescribed by Section 9.2-1 including a public hearing, direct noticing to neighboring property owners, and general public noticing within the Minot Daily News. Per Section 9.1-4 I., an amendment to a CUP follows the same process as a new application. The applicant has submitted the necessary application documents required per Section 9.1-4 C. and noticing has been conducted as required per Section 9.2-1.

Section 9.1-4 F. states that the Planning Commission shall find that the application meets all of the following, as applicable:

1. The request will be harmonious with the general and applicable specific objectives of the City's Comprehensive Plan and this Ordinance.
2. The proposed conditional use at the specified location will not be detrimental to or endanger the health, safety, welfare, comfort, or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other properties within the area in which it is located.

4. The location, size, design, and operating intensity of the proposed conditional use will not prevent the development and use of neighboring property in accordance with the applicable zoning district. In making this determination, the Planning Commission will consider the siting, nature, and height of existing and proposed buildings and structures, and the extent and effectiveness of proposed buffering or landscaping.
5. Adequate public services and facilities exist or will be provided by the developer at the time of development, including adequate utilities, water and sewer systems, drainage structures, and other such facilities and services which are necessary to serve the development.
6. The request will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.
7. Adequate access roads or entrance and exit drives exist or will be provided by the developer to prevent traffic safety hazards and minimize traffic congestion on public streets.
8. The request will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The proposed use must be harmonious with the comprehensive plan future land use map designation of undesignated (adjacent to Suburban Residential) and the LDO. The LDO establishes specific criteria that allow accessory structures to be placed on otherwise vacant residential properties. Section 4.1-8. B. Accessory Buildings, No Primary Dwelling or Use.

Section 4.1-8. B. 1. a-b. outlines the rare instances where it may be appropriate to provide a mechanism to allow accessory structures without a primary dwelling when all other entitlement procedures afforded to the property owner are explored. A subdivision major or minor plat would not clear up this issue due to plated access entitlements of adjacent property owners and a zoning or comprehensive plan map amendment would not make the land better for development due to other physical land issues present, Section 4.1-8. B. 1. A-b is satisfied.

Section 4.1-8. B. 1. c-e. states the Planning Commission shall find the project meets all of the following: the property is a legal lot of record. The property is located in a special flood hazard area or has other hazardous development characteristics. The presence of a home would be considered a detriment to orderly development, health and safety, or interfere with the accomplishment of the goals of the Comprehensive plan. Since the only access to the property is through by way of a road that is constructed to the standards of an alley way, emergency services would be difficult to provide, Section 4.1-8. B. 1. c-e is satisfied.

Staff finds the proposed use to be harmonious with the comprehensive plan future land use map designation of Suburban Residential and the LDO Section 9.1-4 F. 1. is satisfied.

Related to Section 9.1-4. F. 2 thru 4 generally relate to the overall impact of a proposal on property within the vicinity. Since the subject property is located behind, and screen by a row of primary dwellings and the lot is generally undevelopable for the reasons outlined above, staff finds that Section 9.1-4. F. 2 thru 4 is satisfied.

Staff finds Section 9.1-4. F. 5. related to the provision of appropriate public services such as utilities and drainage systems is satisfied, as no new public utilities are being sought and existing public utilities are adequate to support the proposed use.

Staff finds that Sections 9.1-4. F. 6. and 7. related to maintaining community economic welfare and providing adequate road access, respectively, are satisfied. There is currently adequate access onto 6<sup>th</sup> St. SE via a platted alley, and improvements, if any were required, would be at the expense of the developer to satisfy these two evaluative criteria going forward.

Finally, Section 9.1-4. F. 8. is satisfied, as Staff does not have any evidence that the request will result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**Comments:**

- a) There were no public comments at the time of writing this staff report.
- b) The application was distributed to city departments and external public agencies within the City for review and no comments were received.

**FINDINGS OF FACT:**

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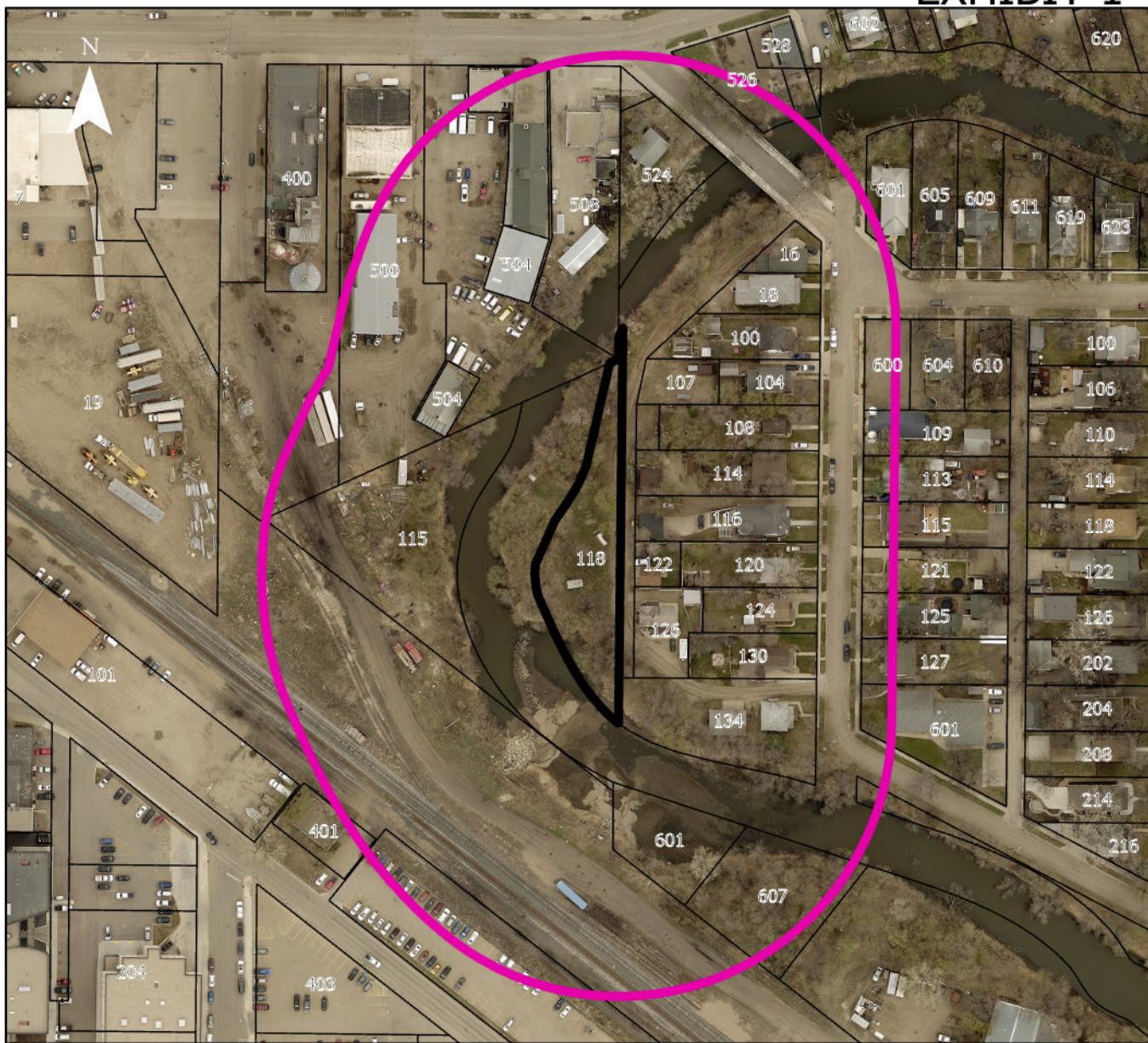
The Minot Planning Commission should accept the following findings of facts:

- 1) The applicant has submitted a complete application.
- 2) The property is zoned "R1" Single-Family Residential District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map does not designate this area; however, it is located directly adjacent to, and is part of a neighborhood designated Suburban Residential.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1 thru 8. as outlined in the Staff Analysis section of staff's written report.
- 5) The Minot Planning Commission has the authority to hear this case and decide whether it should be approved or denied, with or without conditions. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

**RECOMMENDATION:**

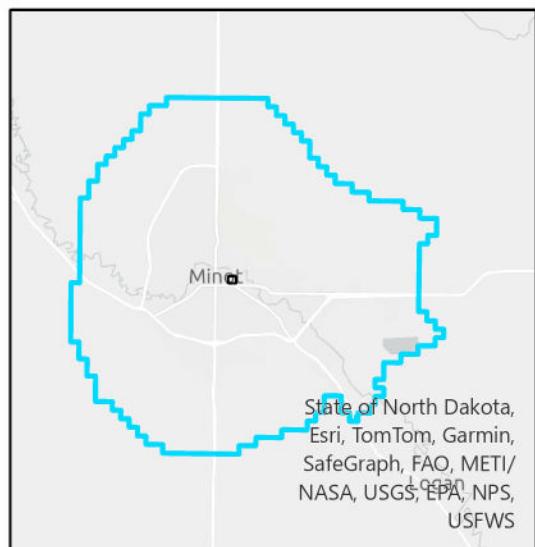
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Staff recommends the Planning Commission adopt the staff findings of fact and approve the conditional use permit for accessory structure on a lot with no primary dwelling.

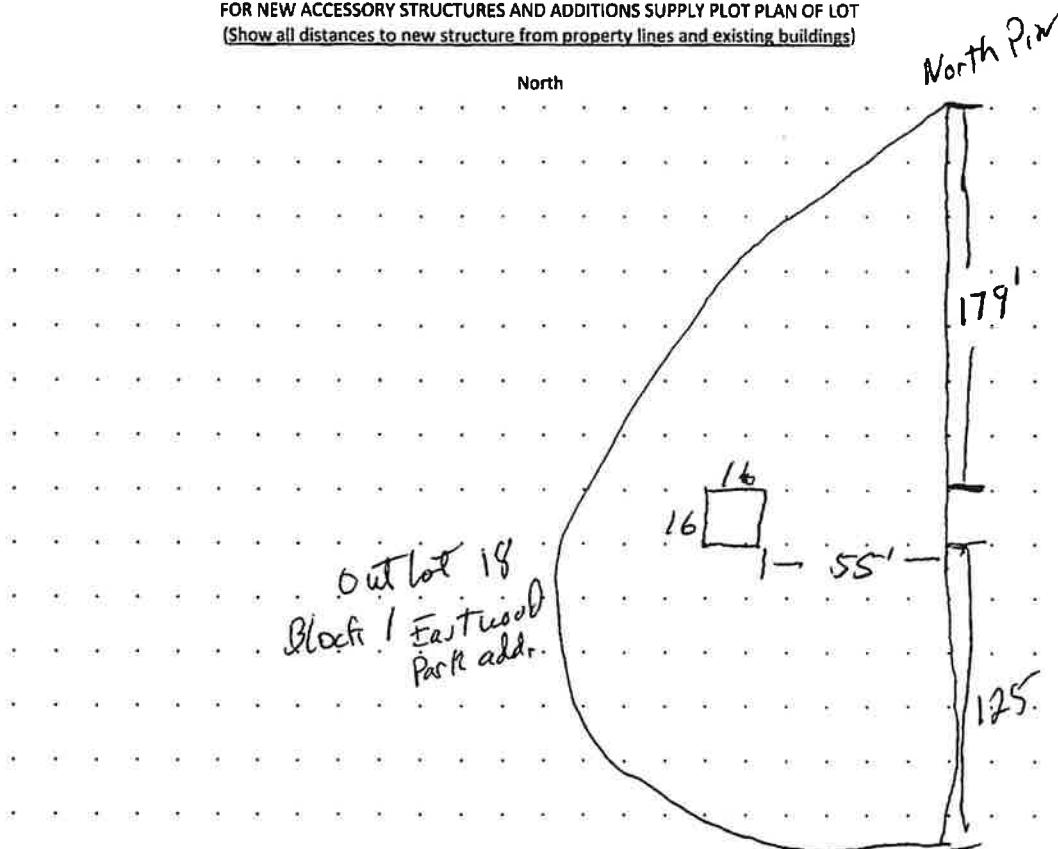


0 125 250 500 Feet

Case # 2024-03-03  
Case 3 2024-03-03  
Notification Area



FOR NEW ACCESSORY STRUCTURES AND ADDITIONS SUPPLY PLOT PLAN OF LOT  
(Show all distances to new structure from property lines and existing buildings)



\*\*\*NO COMMERCIAL OR MULTI FAMILY BUILDING PERMITS WILL BE ISSUED, INCLUDING FOUNDATION PERMITS, WITHOUT WRITTEN CONFIRMATION THAT THE PROJECT SITE AND STORM WATER MANAGEMENT PLANS HAVE BEEN APPROVED BY ENGINEERING.

This permit creates no warranties with regard to construction or code compliance. Any inspections under this permit are for the benefit of the public and not the permit recipient, and any inspections do not create a duty to the permit recipient, the owner, or to a subsequent purchaser with regard to quality of construction or code compliance. This agreement applies to any such claim brought by any subsequent purchaser or owner of the property. I understand that I am responsible for the information shown hereon. I certify that I have investigated the location of my property lines, any easements or other restrictions on the property and the dimensions shown are accurate to the best of my knowledge.

AS PERMIT APPLICANT, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE OF THE ABOVE STATEMENTS AND CONDITIONS.

APPLICANT SIGN

DATE 1-11-2024

Richard Pederson  
116 6TH ST SE  
701-720-0627

## ZONING



## FUTURE LAND USE



0 112.5 225 450 Feet

### Zoning

Zoning	
C2	
CBD	
M1	
R1	
R3	
R3B	

### Both Maps

Case # 2024-03-03
Case 3 2024-03-03
Notification Area

### Land Use Type

	Suburban Residential
	Parks and Recreation
	Riverfront Activation
	Downtown Mixed Use
	Downtown Fringe
	Riverfront Activation

# Exhibit 4 – Site Photos



Facing North



Facing South



Facing Northeast



Facing Southeast